


# OFFICE of OPERATIONS MANAGEMENT *INSTRUCTION*

## NEW YORK STATE DEPARTMENT OF TRANSPORTATION

TO: Regional Directors Regional Directors of Operations Regional Transportation System Operators Regional Real Estate MO Real Estate MO Office of Design	Number: OOMI - 07 - 01 Code: T Date: March 23, 2007 Supersedes:
DIRECT QUESTIONS, ETC., to: <u>Dawn Arnold</u> Name  APPROVED: _____ Director, Office of Operations Management	SUBJECT: BREAK-IN-ACCESS PROCEDURE REGARDING THE TRANSPORTATION SYSTEM OPERATIONS BUREAU (518) 457-1673 Telephone

**PURPOSE:** This document provides guidance on the Main Office, Transportation System Operations Bureau's role in the break-in-access procedure. Information on the complete break-in-access review procedure is available from Regional or Main Office Real Estate.

**BACKGROUND:** The Department acquires access rights for property when current or future projects require use of land. Break-in-access requests generally come to the Department from private developers and municipalities. Typically, the requestor wants to create access to property that they have determined the Department owns access rights to. Before granting a break-in-access the Department closely reviews requests to ensure that the proposed access modifications will not adversely impact traffic, safety or operations nor compromise the Department's future ability to address traffic concerns. This process also provides a mechanism for the Department to be reimbursed for relinquishing access rights. Approval authority over most access modifications rests with the Property Executive Review Group (PERG). Impacts on the operational and safety integrity of the highway are reviewed by the Regional Transportation System Operators (RTSO's). PERG also requires that an independent review of access modification requests be conducted by the Main Office Transportation System Operations Bureau (TSOB).

**POLICY STATEMENT:** TSOB will review traffic, safety and operational impacts of the break-in-access to the state system and verify the action is in the public interest.

When the proposed break-in-access is in right of way purchased for an Interstate Highway or non-Interstate freeway, the Project Development Manual, Appendix 8, provides guidance on obtaining FHWA or Chief Engineer's approval. Consistent with the intent of Appendix 8 regarding highway work permit projects, the TSOB will assume the liaison role to FHWA and the Chief Engineer delegated to the Safety Program Management Bureau. TSOB will review and, if appropriate, recommend approval of these requests to the Director of the Transportation System Operations Bureau, who will recommend approval to the Chief Engineer or FHWA.

For all other break-in-access requests TSOB shall review and recommend approval or disapproval prior to the request going to the Property Executive Review Group (PERG).

### Process for Break in Access Review:

1. A break-in-access request should go to the RTSO first to determine if the request meets the Department's standards for driveways, if it maintains the minimal distance to controlled access facilities, and if it merits further consideration based on an initial comparison of operational and

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safety impacts with and without the break-in-access. If the RTSO determines the request has merit the Department will request a formal submission from the developer.

2. Regional review by relevant program areas with Regional Real Estate coordinating the review.
  - Access Modification Report
    - Operational and safety issues
    - Future ability to mitigate traffic concerns
    - Consistent with the municipality's master plan
3. RTSO reviews the formal submission and recommends approval or denies the access modification. If approved the package is submitted to TSOB for review.
4. Submit to TSOB
  - TSOB will perform an independent review of operational and safety issues associated with the proposed break-in-access.
    - Information to forward to TSOB for the review of break-in-access requests includes:
      - Site plan/s of the proposed development including proposed use, proposed access location with dimensioning, other access points and right-of-way line.
      - Documentation of why the existing access is inadequate and the break-in-access is needed. Include discussion of public benefit- 9/2/80 memo from Legal Affairs states that no break in access will be authorized unless there is a public benefit. If there is no documented public benefit included TSOB may approve the action but will notify PERG of its absence.
      - Relevant traffic impact studies including mainline traffic volumes, turning counts and accident history;
        - ETC full build-out levels of service with and without the break in access.
        - Discussion of the accident history, identification of any accident patterns which could be affected by the access modification.
        - Draft traffic mitigation plan, if needed to maintain existing LOS or mitigate potential safety concerns.
      - A map or plan showing all traffic movements, highway facilities and other driveways affected by the development.
      - Phasing plan if development is to be built in stages.
5. As a result of TSOB review, TSOB will:
  - Approve or address concerns with RTSO.
  - Notify RTSO if a recommended denial.
  - Submit recommendation to RTSO or other regional submitter with cc to Real Estate Division.
6. Regional processing
  - Address Main Office concerns with developer and resubmit if necessary.
  - Obtain TSOB's approval of resubmission if applicable.
  - Submit to MO Real Estate/PERG.

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A SEQR determination and related documentation must be submitted as part of the PERG review package. A SEQR determination is also necessary before the Highway Work Permit for the break-in-access will be issued.

Break-in-access approval is contingent on Highway Work Permit requirements being met.

If on an NHS route, NEPA requirements must be met before the Highway Work Permit for the break-in-access will be issued.

Appraisal of enhancement value should be requested only after the break-in-access has been approved and the terms of access have been defined. The terms of the access can have an effect of the appraised value of the land.

PERG: Property Executive Review Group

Members of PERG include; from Official Order 1630 dated July 12, 2006. "Incumbents of the following positions are designated as members of the PERG."

- Chief of Staff
- Chief Financial Officer
- Chief Operating Officer
- Chief Engineer
- General Counsel